

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED	
DATE: 5-5-2011	4:00 O'Clock P.M.
Sandra K Markham, Clerk	
BY: T. Brogdon	
Deputy	

DIVISION PRO TEM B
HON. WARREN R. DARROW
CASE NO. V1300CR201080049

SANDRA K MARKHAM, CLERK
BY: T. Brogdon, Deputy Clerk
DATE: May 5, 2011

TITLE:
STATE OF ARIZONA,

COUNSEL:
Yavapai County Attorney
By Sheila Polk
Bill Hughes
(Via OnBase)
(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,
(Defendant)

Thomas K. Kelly
(Via Electronic Mail)
(For Defendant)
and
Luis Li/Brad Brian/Truc Do/Miriam Seifter
MUNGER TOLLES & OLSON LLP
(Via Electronic Mail)
(For Defendant *Pro Hac Vice*)

HEARING ON:
JURY TRIAL – DAY 38

NATURE OF PROCEEDINGS

COURT REPORTER
Mina Hunt

START TIME: 9:07 a.m.

APPEARANCES:

Sheila Polk, Counsel for State
Bill Hughes, Co-Counsel for State
Detective Ross Diskin, Case Agent
James Arthur Ray, Defendant
Tom Kelly, Counsel for Defendant
Luis Li, *Pro Hac Vice* Counsel For Defendant
Truc Do, *Pro Hac Vice* Counsel For Defendant

The Court, Counsel, Detective Diskin, and Defendant, are present in the Courtroom. The Jury is not present.

Court and Counsel discuss witness testimony. Counsel for Defendant makes a Motion for Mistrial.

IT IS ORDERED the Motion for Mistrial is denied.

~~~Recess~~~

At 9:23 a.m. Court reconvenes, all previously appearing parties and the Jury is present.

Dr. Archieaus Mosley is sworn and testifies.

Exhibits 362-364 and 886 are admitted into evidence pursuant to stipulation of Counsel.

The Jury is reminded of the admonition, Dr. Archieaus Mosley is advised of the Rule for the exclusion of witnesses and excused for a recess.

~~~Recess~~~

At 10:57 a.m. Court reconvenes, all previously appearing parties and the Jury is present.

Dr. Archieaus Mosley resumes testimony.

The Jury is reminded of the admonition, Dr. Archieaus Mosley is reminded of the Rule for the exclusion of witnesses and excused for the noon recess.

~~~Noon Recess~~~

At 1:26 p.m. Court reconvenes, all previously appearing parties are present. The Jury is not present.

Court and Counsel discuss witness testimony and Brady issues. Counsel argue their positions.

Counsel for Defendant renews their Motion for Mistrial and alternatively requests the Court instruct the Jury and advises they have submitted Brady instructions in that regard.

**IT IS ORDERED** the Motion for Mistrial is under advisement. The Trial will continue today.

The Court advises the State must avoid any further suggestion that there is a report that sanctions an exculpatory theory that hinges on Co2.

Counsel for Defendant provides an email which is marked as an exhibit for the purposes of this oral argument.

~~~Recess~~~

At 2:12 p.m. Court reconvenes, all previously appearing parties and the Jury is present.

Dr. Archieaus Mosley resumes testimony.

The Jury is reminded of the admonition, Dr. Archieaus Mosley is reminded of the Rule for the exclusion of witnesses and excused for a recess.

~~~Recess~~~

At 3:15 p.m. Court reconvenes, all previously appearing parties and the Jury is present.

Dr. Archieaus Mosley resumes testimony.

The Jury is reminded of the admonition, Dr. Archieaus Mosley is reminded of the Rule for the exclusion of witnesses and excused for the evening recess.

The Court stands adjourned for the day.

**END TIME: 4:00 p.m.**

**THEREAFTER, off the record, IT IS ORDERED:** Exhibit 1007 is admitted into evidence for purposes of the oral argument.

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)  
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)  
Division PTB (e) (w/file under advisement)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Camp Verde Superior Court  
Verde Exhibit Clerk